



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/234,695	01/21/1999	ANDRE-ROGER HENRY DELLEVI		5728

7590 10/10/2003

IVAR M KAARDAL
KAARDAL & ASSOCIATES,PC.
3500 SOUTH FIRST AVE
CIRCLE-SUITE 250
SIOUX FALLS, SD 571055807

EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/234,695

Applicant(s)

DELLEVI ET AL.

Examiner

Beth Van Doren

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 17.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Advisory Action

This Advisory Action is in response to the communications received on 10/02/03. The request for reconsideration has been considered but does not place the application in condition for allowance for at least the reason stated below.

Applicant argues that “Visual Rota from CDT” (www.btinternet.com/vrota) does not teach or suggest distinguishing between types of jobs or qualifications to perform different types of jobs, instead the shifts and the employees are treated as fungible or equally interchangeable.

In response to this argument, Examiner points out that nothing in claim 17 recites the term “types of jobs”. The invention claimed in claim 17 recites that a first employee sets forth a conditional offer to trade his/her first shift for another employee’s second shift, this offer is displayed to other employees, a conditional acceptance is received from a second employee to trade his/her second shift for the first shift of the first employee, and confirming or rejecting the trade of the first and second employees’ shifts once the criteria is verified (i.e. checking training data of the second employee and the training requirements of the work area function to be performed in the first shift, checking the time between receipt of the conditional acceptance and the occurrence of the first and second shifts to verify the length is not less than a minimum time period). Once the trade is confirmed, a notification about the work area function of the first shift and the training data of the second employee is displayed to the second employee, a confirmation of the trade is indicated to the first employee, and access to information about the trade is restricted. Therefore, the claim does not discuss job type, only checking the training data

*Art Unit: 3623

of an employee and the training requirements of the work area function of the shift to be given to said employee.

Examiner reminds the Applicant that the Examiner relied upon Donnelly et al. and not "Visual Rota from CDT" to teach the limitations regarding checking training data of the second employee and the training requirements of the work area function.

Donnelly et al. teaches this limitation in at least column 7, lines 43-45, column 9, lines 38-41, column 10, lines 10-21, column 11, lines 18-24 and 40-52, column 13, lines 35-45, column 17, lines 7-13, 25-40, and 55-59, column 22, lines 45-55, column 25, lines 12-26, column 26, lines 1-7, 30-50, and 60-65, wherein the training data associated with the second employee is stored and checked when the second employee is being assigned to a work area function with certain requirements of skill level/training level. Examiner maintains that "Visual Rota from CDT" teaches the aspects upon which it was relied.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

bvd
bvd

October 9, 2003



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800